

King Frederick William III and His Ministers Stein and Schrötter, “Ordinance for All Cities of the Prussian Monarchy” (November 19, 1808)

Abstract

By this edict, urban self-government on the part of property-owning male town-dwellers assumed nineteenth-century liberal form. It broke with earlier conceptions of representation by merchant corporations and guild-bound trades, but also excluded the wage-earning, non-house-owning class, as well as women. In most cases, the central government retained control of municipal police administration. Yet the city councils formed in accordance with this ordinance became effective schools of liberal politics and self-government.

Source

Ordinance for All Cities of the Prussian Monarchy

We, Frederick William, through God's grace King of Prussia, etc., etc.

Declare and hereby make known:

The lack of appropriate rules regarding the urban commonwealth [*Gemeinwesen*] and the representation of the city districts [*Stadt-Gemeine*], the current division of the interests of the citizens according to classes and guilds, and the urgent necessity of an effective participation of the citizenry in the administration of the commonwealth, [all of] which have recently become especially visible, have convinced us of the need to give the cities a more autonomous and better constitution, to create legally a strong point of unity for the bourgeoisie [*Bürgergemeinde*], to give them an active influence on the administration of the commonwealth, and through this participation to stimulate and maintain a sense of community. [...]

Title I. Regarding the Overarching Supervision of the State over the Cities.

§ 1. The overarching [*oberste*] supervision [*Aufsicht*] over the cities, their constitution, and their finances [*Vermögen*] remains reserved for the state and the authorities associated with it, insofar as in the present ordinance a participation in the administration is not expressly relinquished. [...]

§ 2. The state exercises this overarching supervision in that it inspects the printed extracts of the accounts [*Rechnungsextrakte*] or the publicly accessible accounts of the cities regarding the administration of their communal finances [*Gemeinvermögens*], it decides the complaints of individual citizens or entire departments [*Abteilungen*] regarding the commonwealth, it confirms new statutes, and it approves the election of new members of the magistracy.

Title II. Regarding the Cities in General.

§ 3. The city law and the city limits generally encompass the suburbs.

§ 4. Therefore all inhabitants and the complete properties of the city and suburbs belong to the city police and community area [*Gemeinebezirk*].

§ 5. The inhabitants of every city consist only of two classes, of citizens and dependents [*Schutzverwandte*], or of inhabitants who have won civil rights, and those who have not attained them.

Inhabitants are all those who have their residence in the community area.

§ 6. Both citizens as well as dependents will be judged according to this ordinance and the constitution of the city in all affairs relevant to the general interest of the city.

§ 7. The difference, which previously existed between unfree [*mittelbaren*] and free [*unmittelbaren*] cities shall in the future cease in all matters relevant to the city's affairs.

§ 8. The lords [*Gutsherren*] are not allowed to exercise over unfree cities rights or privileges that are contrary to this ordinance.

§ 9. In the future, all cities will be classified as large, mid-sized, and small, according to the number of their inhabitants.

§ 10. Large cities are those which, excepting the military, have ten thousand souls and more. Mid-sized cities are those which, without the military, have three thousand five hundred, but not yet ten thousand souls. Small cities are understood as those which, not counting the military, have fewer than three thousand five hundred souls. [...]

Tit. III. Regarding Citizens and Civil Rights.

§ 14. A citizen or member of a city is he who has civil rights in a city.

§ 15. Civil rights consist of the right to conduct a city trade and to possess property in the area governed by the city [*Polizeibezirk*]. If the citizen is allowed to vote, then he also receives the right to take part in the election of the city representatives, to be elected to public city offices, and to enjoy participation in the public administration, as well as the associated civil rights. [...]

§ 19. Social status [*Stand*], birth, religion, and personal relations of any kind make no difference in acquiring civil rights. Conventional preferences for the children of citizens and special kinds of responsibilities for the unmarried, etc., also cease completely. However, cantonists, soldiers, minors, and Jews can only be granted civil rights under the proper conditions. [...]

§ 25. Anyone who wants to be a citizen is obligated to take the citizens' oath before the magistrate, and must commit himself therein to upholding this ordinance and to promoting the best interest of the city as well as he is able.

§ 26. Every citizen has an obligation to make the necessary contributions from his wealth and abilities and generally to bear a proportionate share of all the city's burdens [*Lasten*].

§ 27. He is obligated to take over public city offices as soon as he is called to do so, and to submit to the orders given to him for the best of the commonwealth of the city. [...]

Title V. Regarding the Citizenry [Stadtgemeinde].

§ 46. The city community or the citizenry amounts to the embodiment of all the citizens of the city. Therefore all of those who have been entered in the register of citizens are to be considered members of the citizenry.

§ 47. The magistrate of the locality is the principal of the city, to whose orders the citizenry are subject. Its members and candidates for public city offices are nominated and elected by the citizenry.

§ 48. The citizenry itself is represented in all matters of the commonwealth by the city officials [*Stadtverordnete*]. It is authorized to elect the same from its midst. [...]

§ 50. In this statute, which the magistrate of the locality drafts and through which the city officials make their position known, it shall be more carefully specified which trades can be conducted by the dependents of the city and which require civil rights. [...]

§ 55. The city institutions and foundations that are identified for the common or public good are subject to the supervision of the citizenry.

§ 56. The same is obligated to raise all the funds that are required to satisfy the public needs of the city and which cannot be defrayed by the community's revenues from the inhabitants of the city.

Title VI. Regarding the City Officials. Part I. Regarding Elections and Transition.

§ 69. The representation of the citizenry through city officials is necessary, because the citizens are too numerous to allow their opinions on public matters to be heard individually every time.

Therefore, an appropriate representation of the citizenry should be appointed and exist in the future in every city, according to its size, the importance of its trade, and the complexity of the affairs of the commonwealth. [...]

§ 73. The election of city officials organized by orders, guilds, and corporate groups in the citizenry is, however, hereby completely suspended. All citizens with voting rights take part in the elections, and each will act only as a member of the community, without any consideration of guild, social status [*Stand*], corporate membership, or religious sect.

§ 74. As a rule, every citizen is entitled to the right to vote in elections of city officials and representatives; however, the following are excluded as exceptions:

- a) Those who, according to § 20 and 22 in Title III [above], would be incapable of acquiring civil rights, if they did not already possess them,
- b) Members of the magistracy, during the duration of their appointment,
- c) Citizens of the female gender,
- d) Vagrant [*unangesessene*] citizens — in large cities, those whose gross income is less than 200 Rthlr. — and in mid-sized and small cities, those whose gross income is less than 150 Rthl. annually, and
- e) Persons whose voting rights have been revoked as punishment. [...]

Titel VII. Regarding the Magistrates and the District Superintendents.

§ 140. In each city there may only be one magistracy for the entire area of jurisdiction. In areas where there are now more than one magistracy, they will be combined into one magistracy. There can also no longer be special magistracies for Palatinate or French communities.

§ 141. The city councils [*Magistratskollegium*] should everywhere, however, only consist of members of the citizenry who enjoy the trust of the same.

Every citizen who is filled with a sense of community will, without regard for his personal advantage, gladly accept this honorable position.

To minimize the costs of administration, only those members of the magistracy [*Magistratsmitglieder*] who are to dedicate themselves to it full time will be compensated for the performance of their duty.

§ 142. The city councils in small cities should have a salaried mayor, and one salaried councillor who is also the treasurer, as well as four to six unpaid councillors, depending on the requirements and needs. [...]

§ 152. All the members of the magistracy, with the exception of the head mayor [*Oberbürgermeister*], will be elected in the name of the citizenry by the city officials, and confirmed by the provincial governing authorities. [...]

Title VIII. Regarding the Organization and Relationship of the Authorities to each other.

§ 166. The state reserves the right to organize its own police authorities in the cities, or to transfer the practice of policing to the magistracy, who may then carry out orders. Just as the particular police authorities in the cities are subordinated to the superior police authorities, the magistracies who receive orders regarding policing are subject to these higher authorities concerning everything that has to do with the practice of policing. In this respect, the magistracies are regarded as authorities of the state. The magistracy must, without fail, take over the practice of policing when it is tasked with it. In this case, the entire citizenry must support the practice of policing as much as is demanded, just as it must when policing is administered through its own authorities.

§ 167. Since the task of the local police of every city is primarily to maintain the security and wellbeing of the city's inhabitants, it is up to the citizenry to pay the costs required for the maintenance of the necessary police personnel and the necessary institutions, according to the disposition of the police authorities. Whether the magistracy or another authority runs the police makes no difference here. [...]

§ 178. The operations to be carried out by the magistracy alone are the following:

- a) the filling of positions in the magistracy, the district superintendent and citizen-official positions, according to the selections of the city officials, as well as the selection and appointment of the lower civil servants;
- b) all the city administration, in general, and the application of the decisions of the individual deputations and commissions, in particular;
- c) all appeals, whether they regard the damages of individual inhabitants of the city, the administration, or delayed settlements.
- d) the acceptance of [new] citizens, the maintenance of the citizen registers, the listing of property ownership, and the distribution of trade concessions.

The last item can only be done with the consent of the police authorities, if the magistracy, per orders, does not exercise police authority.

e) matters pertaining to commerce, waterways, shipping, manufacturing, and mills.

f) the auditing of public accounts, the request and examination of the budget, the accounting, and the determination of the contributions required from the citizenry for the city's needs.

Additionally, it is up to the magistracies to oversee the management of all the deputations and commissions and to audit the same. The chief magistrate, especially, is obligated to concern himself with

this precisely, and to audit the management.

§ 179. Appropriate for administration in deputations and commissions are:

a) church matters.

Each church has a head superintendent from the magistracy and two superintendents from the community to provide for the *Externa*.

b) school affairs.

The authorities who run internal affairs reserve the right to make special determinations.

The external affairs are attended to by a member of the magistracy as head superintendent, with the necessary superintendents from the citizenry.

In large and mid-sized cities with academic schools, these will maintain their special superintendents, as will the other schools, in the appropriate measure.

c) care for the poor will be supervised by a deputation. [...]

The entire care for the poor, then, will be entrusted to the hands of the citizenry, their sense of community, and the charity of the inhabitants of the city. However, it is still up to the magistracies, as the executors of police regulations, to see that begging in the streets is banned. [...]

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